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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/545,564	04/07/2000	Paul Gemeraad	1531.0310001	1827

7590 05/21/2002
Aurigin Systems, Inc.
10710 North Tantau Avenue
Cupertino, CA 95014-0717

EXAMINER

CORRIELUS, JEAN M

ART UNIT PAPER NUMBER

2172

DATE MAILED: 05/21/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Pat

Office Action Summary

Application No.

09/545,564

Applicant(s)

GERMERAAD ET AL.

Examiner

Jean M Corrielus

Art Unit

2172

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 27 February 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-34 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 2-34 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 9.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Art Unit: 2172:

DETAILED ACTION

1. This office action is in response to the amendment filed on 02/27/02 (paper no.7) in which claims 2, 3, 10, 18, 19, 20 and 27 are amended.

Response to Arguments

2. Applicant's arguments with respect to claims 2-34 have been considered but are moot in view of the new ground(s) of rejection necessitated by amendment.

Information Disclosure Statement

3. The information disclosure statement filed on 03/14/02 (paper no.9) complies with the provisions of M.E.P.. § 609. It has been placed in the application file. The information referred to therein has been considered as to the merits

Terminal Disclaimer

4. The terminal disclaimer filed on 02/27/02 (paper no.8) disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of the full statutory term of any patent granted on pending second application has been reviewed and is accepted. The terminal disclaimer has been recorded.

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Claim Rejections - 35 U.S.C. § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 2-3 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicants' admitted prior art (specification pages 3-6) in view of Robert Mylls "Information Engineering CASE practices and techniques".

As to claim 2, Applicants' admitted prior art (specification pages 3-6) discloses a research and development projects typically go through a variety of stages before an idea can be commercialized or launched as a final product and facilitates sequential stages of a research and development project. However, Applicants' admitted prior art does not explicitly disclose the use of accessing a tool box and associating said tool with one or more tasks of the sequential stages.

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On the other hand, Robert (pages 181-201) discloses the recited limitations “ accessing a tool box comprising a plurality of tool wherein each of said tools is associated with one or more tasks of the sequential stages” (pages 181-201); “selecting a task associated with one of the sequential stages of the research” (pages 181-201); invoking a tool from said tool box applicable to said selected task (pages 181-201) and performing said selected task using said invoked tool” (pages 181-201).

It would have been obvious to one of ordinary skill in the art of data processing, at the time the present invention was made to modify Applicants’ admitted prior art, wherein the sequential stages of a research and development project, provided thereof (see applicants’ admitted prior art pages 3-6) would associate a tool with one or more task of the sequential stage of the research and development project, in the same conventional manner as suggested by Robert (pages 181-201). The motivation being to allow analysts and designers to select the target environment, thereby automatically tailoring the deliverables and generating code and output display to prevent inadvertent changes rippling across production system .

As to claims 3, Robert discloses the claimed “invoking a tool for generating a feature grouping chart” (pages 181-201).

The limitations of claims 18-20 have been noted in the rejection of claimed 2-3 above. They are, therefore, rejected under the same rationale.

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7. Claims 4-17 and 21-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicants' admitted prior art (specification pages 3-6) in view of Robert Mylls "Information Engineering CASE practices and techniques" as applied to claims 2-3 and 18-20 above and further in view Narin et al (article entitled "Technological performance assessments based on patent and patent citations").

As to claims 4-10, Applicants' admitted prior art and Robert Mylls disclose substantially the invention as claimed. However, Applicants' admitted prior art and Robert do not explicitly disclose wherein the stages is an idea stage of selecting a group of patent, inventorship.

Narin, on the other hand, discloses the use an inventorship (page 176), wherein the inventors is identified those who have worked in an area pertaining to an idea of a user company (pages 176, 178) and the use of technology classification (pages 176-177). It would have been obvious to one of ordinary skill in the art of data processing, at the time the present invention was made to modify Applicants' admitted prior art, wherein the sequential stages of a research and development project, provided thereof (see applicants' admitted prior art pages 3-6) would incorporate the use wherein the stages is an idea stage of selecting a group of patent, inventorship. One having ordinary skill in the art would have found it motivated to utilize such a modification so that one could develop a relatively objective measure of the degree of technology interaction, in advance of any detailed analysis.

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As to claims 11-17, Applicants' admitted prior art, Robert Mylls and Narin disclose substantially the invention as claimed. In addition, Narin discloses the use of generating a patent count per year (page 178), assignee (page 175), patent citation (page 173) and generating a patent/ month to issue (page 178).

As to claims 21-34:

The limitations of claims 21-34 have been noted in the rejection of claimed 4-17 above. They are, therefore, rejected under the same rationale.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MEP. § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

a shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or early communication from the Examiner should be directed to Jean Corrielus whose telephone number is (703) 306-3035. The Examiner can normally be reached on the weekdays from 7:00am to 5:30pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, *Kim Vu*, can be reached on (703)305-9343.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks Washington, D.C. 20231 or faxed to:

(703) 746-7239, (for formal communications intended for entry) Or: (703)746-7240 (for informal or draft communications, please label "PROPOSED" or "DRAFT") Hand-delivered responses should be brought to Crystal Park II, 2021 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).



Jean M. Corrielus

Patent Examiner

May 16, 2002